


# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P30412AGTO/BPU		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 02/10692	International filing date (day/month/year) 24.09.2002	Priority date (day/month/year) 24.01.2002	
International Patent Classification (IPC) or both national classification and IPC B24C11/00			
Applicant EXA SA et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the opinion</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>			
Date of submission of the demand  29.07.2003		Date of completion of this report  14.05.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Zeckau, A  Telephone No. +49 89 2399-2358	



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**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

**Description, Pages**

1-13 as originally filed

**Claims, Numbers**

1-8 filed with telefax on 13.01.2004

**Drawings, Sheets**

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 6-8

because:

☐ the said international application, or the said claims Nos. relate to the following subject-matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 6-8 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	2,4
	No: Claims	1,3,5
Inventive step (IS)	Yes: Claims	
	No: Claims	1-5
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations

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**see separate sheet**

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**Ad III.:** Claims 6 to 8 are unclear because the meaning of the expression "the process of the invention" is obscure.

- Ad V.:**
- According to claim 1, the particles are dimensioned to effect a rolling movement. The application does, however, not specify any particular dimension of the particles which would lead to the rolling movement mentioned in the claim. As it is not clear what particular dimension is meant in claim 1, the feature is not suitable for distinguishing the invention from the prior art.
  - Further, it appears from the description that it depends on the angle of incidence whether a rolling movement is achieved or not (see page 3, last paragraph), rather than the dimension of the particles. It is concluded therefore that in a prior art process, in which the angle of incidence is between 0° and 60°, a rolling movement of the particles occurs.
  - Furthermore, according to claim 1, the rolling of the particles has the effect that the particles rub and absorb the coating from the surface being cleaned. This effect merely describes a result to be achieved rather than a technical feature of the claimed process. So far as in prior art processes the process parameters and particle dimensions correspond to those defined in claim 1, or even those applied in the preferred embodiments presented in the description, it will be assumed that the effect mentioned before is inherent. It is noted in this context that a result to be achieved is not suitable for distinguishing an invention from the prior art.
  - In claim 1 a difference is made between the erasing agent (see lines 5 and 7/8) and the treating agent (see lines 14/15). This is misleading since the original application discloses only a single agent named "treating agent".

As to novelty of claim 1, US-A-3 767 791 (in the following: D3) discloses a process for treating a surface to remove a coating from the surface, the process being of the type which employs an treating agent comprising a plurality of particles, the process comprising the step of contacting the surface with the treating agent such that at least some of the particles roll along at least a portion of the surface, wherein an angle of incidence of the

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particles and the surface is between 0° and 60°, wherein the particles are dimensioned to effect a rolling movement along the surface such that the particles rub and absorb the coating from the surface, wherein the treating agent is substantially non-aqueous and wherein the particles have an average maximum diameter of between 30 and 1000 microns (see col. 1 lines 13 -20, col. 2 lines 55-60 and Example 1).

Hence the process according to claim 1 is not novel.

It is noted that the process according to claim 1 is not considered to involve an inventive step in view of WO-A-0051787 (D10).

Having regard to D3, D10 and what is generally known, dependent claims 2 to 5 do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty and inventive step, the additional features of claims 3 and 5 being known from D3, those of claim 2 being matter of normal design procedure and those of claim 4 being known from D10.

# Druckexemplar

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## 1 Claims

2

3 1. A process for treating a surface to remove a  
4 coating from the surface, the process being of the  
5 type which employs an erasing agent comprising a  
6 plurality of particles, the process comprising the  
7 step of contacting the surface with the erasing  
8 agent such that at least some of the particles roll  
9 along at least a portion of the surface, wherein an  
10 angle of incidence of the particles and the surface  
11 is between 0° and 60°, wherein the particles are  
12 dimensioned to effect a rolling movement along the  
13 surface such that the particles rub and absorb the  
14 coating from the surface, and wherein the treating  
15 agent is substantially non-aqueous, and wherein the  
16 particles have an average maximum diameter of  
17 between 30 and 1000 microns.

18

19 2. A process as claimed in Claim 1 in which the  
20 particles comprise a precipitate or agglomerate of  
21 an insoluble alkali metal carbonate.

22

23 3. A process as claimed in any preceding Claim in  
24 which the particles are generally round.

25

26 4. A process as claimed in any preceding Claim which  
27 is a blasting operation.

28

29 5. A process as claimed in any of Claims 1 to 3  
30 which employs manual application of the treating  
31 agent.

32

1 6. The use of the process of the invention in dental  
2 applications such as teeth whitening, plaque removal  
3 and general cleaning or polishing of the teeth,  
4 buccal cavity and prosthetic parts such as crowns,  
5 bridges and complete or partial dentures.

6  
7 7. The use of the process of the invention in  
8 treating bone.

9  
10 8. The use of the process of the invention to  
11 exfoliate skin.  
12  
13  
14